

violations of National Ambient Air Quality Standards.

(ii) Prior to denying the continued use of a supplementary control system pursuant to paragraph (e)(15)(i) of this section, the Administrator shall notify the owner or operator of the smelter subject to this paragraph of his intent to deny such continued use, together with:

(a) The information and findings on which such intended denial is based.

(b) Notice of opportunity for such owner or operator to present, within thirty (30) days, additional information or arguments to the Administrator prior to his final determination.

(iii) The Administrator shall notify the owner or operator of the smelter subject to this paragraph of his final determination within thirty (30) days after the presentation of additional information or arguments, or thirty (30) days after the final date specified for such presentation if no presentation is made. If the continued use of the supplementary control system is denied, the final determination shall set forth the specific grounds for such denial.

(16) Upon denial of the continued use of a supplementary control system pursuant to paragraph (e)(15) of this section all the requirements of paragraph (d) of this section shall be immediately applicable to the owner or operator of the Kennecott Copper Company smelter located in White Pine County, Nevada, in the Nevada Intrastate Region and compliance therewith shall be achieved in accordance with such schedule as the Administrator shall order.

(17) The owner or operator of the smelter subject to this paragraph shall be in violation of a requirement of an applicable implementation plan and subject to the penalties specified in section 113 of the Clean Air Act if:

(i) An increment of the compliance schedules set forth in paragraph (e)(14) of this section is not met by the date specified; or

(ii) The total sulfur dioxide concentration determined according to paragraph (e)(6) (i) or (iii) of this section exceeds the emission limitation set forth in paragraph (e)(4)(i)(a) of this section; or

(iii) The total sulfur dioxide emission rate determined according to paragraph (e)(6) (ii) or (iv) of this section exceeds the emission limitation set forth in paragraph (e)(4)(i)(b) of this section; or

(iv) Any National Ambient Air Quality Standards for sulfur oxides are violated in the designated liability area; or

(v) Operations of the supplementary control system are not conducted in accordance with the approved operational manual; or

(vi) Such owner or operator fails to submit any of the information required by this paragraph.

[40 FR 5511, Feb. 6, 1975, as amended at 51 FR 40676, Nov. 7, 1986]

§52.1476 Control strategy: Particulate matter.

(a) The requirements of subpart G of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standards for particulate matter in the Northwest Nevada and Nevada Intrastate Regions.

(b) The following rule and portions of the control strategy are disapproved since they do not provide the degree of control needed to attain and maintain the National Ambient Air Quality Standards for particulate matter.

(1) NAQR Article 7.2.7, *Particulate Matter*; Table 4.2, *Emissions Inventory Summary for Particulates* and Table 5.2, *Summary of Control Strategy Analysis for Particulates*, from the Nevada Control Strategy, submitted on October 7, 1976.

(c) The following rules are disapproved because they relax the emission limitation on particulate matter.

(1) Clark County District Board of Health, Table 27.1, (Particulate Matter from Process Matter), submitted on July 24, 1979.

(2) Nevada Air Quality Regulations, Article 4, Rule 4.34, (Visible Emission from Stationary Sources), submitted on December 29, 1978, and Rule 4.3.6, (Visible Emission from Stationary Sources), submitted on June 24, 1980.

[37 FR 10877, May 31, 1972, as amended at 45 FR 8011, Feb. 6, 1980; 46 FR 43142, Aug. 27, 1981; 51 FR 40676, Nov. 7, 1986]

Environmental Protection Agency

§ 52.1485

§ 52.1477 Nevada air pollution emergency plan.

Section 6.1.5 of the Emergency Episode Plan submitted on December 29, 1978 is disapproved since termination of the episode is left to the discretion of the Control Officer and not specified criteria and it does not meet the requirements of 40 CFR 51.16 and Appendix L. The old rule 6.1.5 submitted on January 28, 1972 is retained.

[45 FR 46385, July 10, 1980]

§ 52.1478 [Reserved]

§ 52.1479 Source surveillance.

(a) The requirements of § 51.211 of this chapter are not met, except in Clark County, since the plan does not provide adequate legally enforceable procedures for requiring owners or operators of stationary sources to maintain records of, and periodically report, information on the nature and amount of emissions.

Source	Location	Regulation involved	Date of adoption
Jack N. Tedford, Inc	Fallon	Not given	Aug. 14, 1972.
Basic, Inc	Gabbs	Article 4	Feb. 13, 1973.
		Article 7	June 26, 1973.
Duval Corp	Battle Mountain	Article 5	Feb. 13, 1973.
Mohave Generating Station, Southern California Edison Co.	Laughlin	Clark County, Section 16.	Jan. 11, 1973.
		Section 26	July 17, 1973.

[39 FR 14209, Apr. 22, 1974, as amended at 40 FR 3995, Jan. 27, 1975; 51 FR 40676, Nov. 7, 1986; 54 FR 25258, June 14, 1989]

§ 52.1483 Malfunction regulations.

(a) The following regulations are disapproved because they would permit the exemption of sources from applicable emission limitations under certain situations and therefore they do not satisfy the enforcement imperatives of section 110 of the Clean Air Act.

(1) Clark County District Board of Health

(i) Section 25, Rules 25.1–25.1.4.

[49 FR 10259, Mar. 20, 1984]

§ 52.1484 [Reserved]

§ 52.1485 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan, except as it ap-

(b) The requirements of § 51.214 of this chapter are not met since the plan does not provide adequate legally enforceable procedures to require stationary sources subject to emission standards to submit information relating to emissions and operation of the emission monitors to the State as specified in Appendix P of part 51.

[37 FR 10878, May 31, 1972, as amended at 38 FR 12709, May 14, 1973; 40 FR 55331, Nov. 28, 1975; 43 FR 36933, Aug. 21, 1978; 51 FR 40677, Nov. 7, 1986]

§§ 52.1480–52.1481 [Reserved]

§ 52.1482 Compliance schedules.

(a)—(b) [Reserved]

(c) The compliance schedule revisions submitted for the sources identified below are disapproved as not meeting the requirement of subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

plies to the Clark County Health District, does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulation for preventing significant deterioration of air quality. The provisions of § 52.21(b) through (w) are incorporated and made a part of the applicable State plan for the State of Nevada except for that portion applicable to the Clark County Health District.

(c) All applications and other information required pursuant to § 52.21 from sources located in the jurisdiction of the State of Nevada shall be submitted to the Director, Department of Conservation and Natural Resources,